

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DAVID WEXLER

Plaintiff,

-against-

**ORDER ADOPTING R&R**  
20-CV-1370 (DRH)(ARL)

USIC LOCATING SERVICES, LLC,

Defendant.

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Presently before the Court is the Report and Recommendation of Magistrate Judge Arlene Lindsay, dated June 7, 2021 recommending that Plaintiff's motion for a default judgment be granted and Plaintiff be awarded \$2,000.00 in statutory damages under 17 U.S.C. § 504(c); \$2,500.00 in statutory damages under 17 U.S.C. § 1202(b)(3); \$245.00 in attorneys' fees and \$440.00 in costs under 17 U.S.C. §505. More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the June 7, 2021 Report and Recommendation of Judge Lindsay as if set forth herein. Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's motion for a default judgment is granted and plaintiff is awarded \$2,000.00 in statutory damages under 17 U.S.C. § 504(c); \$2,500.00 in statutory damages under 17 U.S.C. § 1202(b)(3); and \$245.00 in attorneys' fees and \$440.00 in costs under 17 U.S.C. §505 for a total award of

\$5,185.00. The Clerk of Court is directed to enter judgment accordingly and to close this case.

Dated: Central Islip, New York  
June 29, 2021

s/ Denis R. Hurley  
Denis R. Hurley  
United States District Judge